

CITY COUNCIL
ATLANTA, GEORGIA

**A SUBSTITUTE RESOLUTION
BY TRANSPORTATION COMMITTEE**

06-R-2396

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT USE LICENSE AGREEMENT WITH FREEDOM AIRLINES, INC. FOR OPERATIONS AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, Freedom Airlines, Inc. ("Freedom") desires to provide regularly scheduled Passenger Service from Hartsfield-Jackson Atlanta International Airport ("Airport"); and

WHEREAS, in furtherance of its plan to operate such flights, Freedom desires to enter into an Airport Use License Agreement with the City of Atlanta ("City") as a domestic carrier serving the Airport; and

WHEREAS, the Aviation General Manager recommends the execution of an Airport Use License Agreement with Freedom.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute an appropriate Airport Use License Agreement with Freedom Airlines, Inc. ("Freedom") which shall contain the following terms, conditions, and provisions:

- 1) a term effective as of January 1, 2007 and ending September 20, 2010; provided that either party may terminate the agreement by giving at least 30 days prior written notice to the other party; and
- 2) a landing fee to be computed at the initial landing fee rate of \$0.83071 per 1,000 pounds of the FAA Maximum Certificated Gross Landing Weight of each aircraft scheduled to land at the Airport, which landing fee rate shall be subject to adjustment from time to time at the discretion of the City acting through its Aviation General Manager. Such adjustments shall be to levels comparable to the landing fee rates charged similarly classified airlines at the Airport; and
- 3) such other terms, conditions, and provisions as may be required by City ordinances or Federal regulations or which are otherwise deemed appropriate by the Aviation General Manager.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Freedom.

**A SUBSTITUTE RESOLUTION
BY TRANSPORTATION COMMITTEE**

06-R-2397

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT USE LICENSE AGREEMENT WITH REPUBLIC AIRLINES, INC. FOR OPERATIONS AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, Republic Airlines, Inc. ("Republic") desires to provide regularly scheduled Passenger Service from Hartsfield-Jackson Atlanta International Airport ("Airport"); and

WHEREAS, in furtherance of its plan to operate such flights, Republic desires to enter into an Airport Use License Agreement ("AULA") with the City of Atlanta ("City") as a domestic carrier serving the Airport; and

WHEREAS, the Aviation General Manager recommends the execution of an AULA with Republic.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute an appropriate Airport Use License Agreement with Republic Airlines, Inc. ("Republic") which shall contain the following terms, conditions, and provisions:

- 1) a term effective as of January 1, 2007 and ending September 20, 2010; provided that either party may terminate the agreement by giving at least 30 days prior written notice to the other party; and
- 2) a landing fee to be computed at the initial landing fee rate of \$0.83071 per 1,000 pounds of the FAA Maximum Certificated Gross Landing Weight of each aircraft scheduled to land at the Airport, which landing fee rate shall be subject to adjustment from time to time at the discretion of the City acting through its Aviation General Manager. Such adjustments shall be to levels comparable to the landing fee rates charged similarly classified airlines at the Airport; and
- 3) such other terms, conditions, and provisions as may be required by City ordinances or Federal regulations or which are otherwise deemed appropriate by the Aviation General Manager.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Republic.

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT USE
LICENSE AGREEMENT WITH FREEDOM AIRLINES, INC. FOR OPERATIONS
AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR
OTHER PURPOSES.**

WHEREAS, Freedom Airlines, Inc. ("Freedom") desires to provide regularly scheduled Passenger Service from Hartsfield-Jackson Atlanta International Airport ("Airport"); and

WHEREAS, in furtherance of its plan to operate such flights, Freedom desires to enter into an Airport Use License Agreement with the City of Atlanta ("City") as a domestic carrier serving the Airport; and

WHEREAS, the Aviation General Manager recommends the execution of an Airport Use License Agreement with Freedom.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
RESOLVES**, that the Mayor is authorized to execute an appropriate Airport Use License Agreement with Freedom Airlines, Inc. ("Freedom") which shall contain the following terms, conditions, and provisions:

- 1) a term effective as of January 1, 2007 and ending September 20, 2010; provided that either party may terminate the agreement by giving at least 30 days prior written notice to the other party; and
- 2) a landing fee to be computed at the initial landing fee rate of \$0.46539 per 1,000 pounds of the FAA Maximum Certificated Gross Landing Weight of each aircraft scheduled to land at the Airport, which landing fee rate shall be subject to adjustment from time to time at the discretion of the City acting through its Aviation General Manager. Such adjustments shall be to levels comparable to the landing fee rates charged similarly classified airlines at the Airport; and
- 3) such other terms, conditions, and provisions as may be required by City ordinances or Federal regulations or which are otherwise deemed appropriate by the Aviation General Manager.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the

Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Freedom.

Part II: Legislative White Paper:

A. To be completed by Legislative Counsel:

Committee of Purview: Transportation

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT USE LICENSE AGREEMENT WITH FREEDOM AIRLINES, INC. FOR OPERATIONS AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

Council Meeting Date: November 20, 2006

Requesting Dept.: Aviation

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize execution of an AULA with Freedom.

2. Please provide background information regarding this legislation.

Freedom Airlines, Inc ("Freedom") desires to commence operations out of the Hartsfield-Jackson Atlanta International Airport and to become a signatory to the Airport Use License Agreement (AULA). This legislation would authorize the Mayor to execute an AULA with Freedom.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Use Agreement
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. **Fund Account Center:** N/A

5. **Source of Funds:** *Example:* N/A

6. **Fiscal Impact:** None

7. **Method of Cost Recovery:** Landing Fees are used to retire debt on runway bonds and for runway M&O expenses.

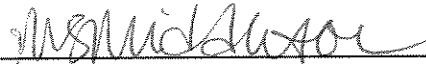
This Legislative Request Form Was Prepared By: Bill Murphy

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton



Contact Number: 6207

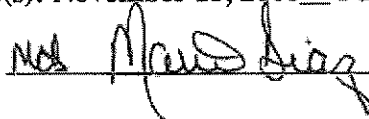
Originating Department: Aviation

Committee(s) of Purview: Transportation

Council Deadline: October 16, 2006

Committee Meeting Date(s): November 15, 2006 Full Council Date: November 20, 2006

Commissioner Signature



CAPTION

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT
USE LICENSE AGREEMENT WITH FREEDOM AIRLINES, INC. FOR
OPERATIONS AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL
AIRPORT; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT \$270,900 (Annually)

Mayor's Staff Only

Received by Mayor's Office:

(date)

10.30.06

Reviewed by:



Submitted to Council:

(date)

11/3/06